

Appl. No. 10/603,499
AmdL dated August 29, 2005
Reply to Office action of June 21, 2005

REMARKS

35 U.S.C. § 103

The Examiner rejects claims 1-32 under 35 U.S.C. § 103 in light of Seelig et al in view of Travis et al. Applicant has canceled claims 1-6 and 17-20, amended claims 7, 16, 21, 27-30 and 32 and added new claim 33.

It is important to note initially that the balls in the transparent container (16) of Seelig are never used to determine a game award. The balls are only used to entertain the player while the award process uses separate prize balls concealed within the confines of the machine. (Seelig: column, 6, lines 39-62). The embodiments of the present invention use the cubes (balls) from within the blender to determine a game award.

Independent claims 7, 21 and 33 each recite that one or more award indicators from within the blender are isolated to determine a secondary or bonus award. That is, the award indicators which are circulated within the blender are the same award indicators used to determine the award. To the contrary, Seelig utilizes concealed balls to generate a bonus award. The award balls are manipulated by a concealed ball holder (58), which, when appropriate, dispenses a concealed and pre-selected ball into a display window (30) thereby giving the impression that the dispensed ball was part of the collection of balls in the transparent container (16)—when in reality the award ball was never in the transparent container (16). The present invention utilizes only the cubes (balls) in the blender and does not utilize concealed cubes or a concealed ball holder. Consequently, the player is able to observe the entire award process. Such a method lowers the level of player suspicion created with concealed game mechanisms and also creates a less complex machine.

Independent claim 33 further recites multiple levers for isolating one or more award indicators from within the blender. Again, the award indicators being isolated are those contained and observable in the blender, not concealed award indicators. Moreover, the so-called levers of the ball holder do not hold balls for isolation and observation by a player. In other words, with Seelig, the player never sees the concealed ball holder and only observes the single ball dispensed into the display window (30).

Thus, with Seelig, the mechanical award process is conducted in a concealed environment while with the present application the mechanical award process is conducted in

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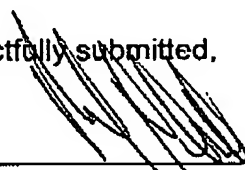
full view of the player. Indeed, each of the 39 claims of the Seelig patent recite that the prize balls and prize ball holder are concealed from player view. Again, the entire purpose of Seelig is to control a group of concealed balls in manner which gives the appearance to the player that the selected prize ball was in fact selected from the transparent container. Clearly, Seelig teaches away from selecting a ball from within the transparent container to determine a game award.

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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Date: August 29, 2005

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. A copy of this letter is enclosed.

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